

STATEMENT BY SENATOR EDWARD V. LONG ON
INTRODUCTION OF BILL TO PROHIBIT "MAIL COVERS"

Mr. President:

Freedom has been taking a real beating at the hands of federal agents during the past few months. Time and again since late last summer the newspapers have carried stories of federal agents and employees utilizing police state techniques.

In September we learned that our military intelligence people in West Germany were wiretapping on behalf of a German intelligence agency because the agency itself was prohibited from tapping by the German Constitution. This was certainly a great example of liberty for the German people.

Shortly after these news stories, there began to unfold in the newspapers a story of wiretapping at the State Department. The Deputy Assistant Secretary for Security had through a "misunderstanding" caused the tapping of the telephone of one of his subordinates. The Deputy Assistant Secretary at the time of the tapping was attempting to obtain evidence showing the subordinate had provided certain information to a Senate Subcommittee.

Next there was the story of Internal Revenue agents planting a bug or hidden microphone in a public telephone booth located in the lobby of the I.R.S. headquarters here in Washington.

At the same time, there was another story of government agents recording a telephone conversation with the permission of one party to the call for the purpose of securing incriminating evidence against the other party.

All was quiet for a few weeks, then we read of telephone taps by government agents on a Nevada gambler.

This was followed by the report that we are using a field type lie detector on the Vietnamese people. A practice that is ensured to instruct them in the ways of free men. I can only hope the punishment for failure to pass the test is not too severe considering the lack of reliability of a full size detector when used under the best of circumstances.

Next we read of government agents photographing all persons entering and leaving a Federal court building and the use of an informer who takes advantage of his relationship with an accused to be present at discussions between the accused and his attorneys.

Finally last week, the papers carried stories of "mail covers" ordered by the Internal Revenue Service and an Assistant U. S. Attorney. Today, I shall direct the bulk of my comments to this latter practice. But as the days go by I will have more to say with respect to some of the other stories to which I have alluded.

On August 3, 1962, I discussed at some length here in the Senate Chamber the subject of "mail covers." This procedure consists of systematically recording the name and address of the sender, the place and date of postmarking, the class of mail and any other exterior data on all mail going to a certain address or addressee. Prior to making my statement, I had written Postmaster General J. Edward Day requesting a report on the practice. Mr. Louis J. Doyle, General Counsel of the Post Office Department, had responded to my letter for the Postmaster General. He readily admitted that there was no statute authorizing "mail covers" but he attempted to support the Department's authority to conduct such "covers" through custom and usage and the Postmaster General's general authority to prescribe rules and regulations for the Department. In 1962, I took issue with his arguments and I still take issue with them. How can this practice which is completely foreign to the Department's responsibility for the pick-up, transportation and delivery of

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the mail be authorized without a specific statute? General Counsel Doyle also admitted in his letter that the Department had somewhere between 500 and 750 covers in effect on the day he made a check for the purpose of answering my letter. In concluding my statement in 1962, I called upon the Department to re-evaluate its position. I urged it to discontinue the use of "mail covers" or in the alternative if it found such covers absolutely essential to establish enforceable regulations to limit and control their use.

Several months later, on June 28, 1963, I wrote Postmaster General Day to inquire if the Department had taken any action regarding "mail covers." Some weeks later, I received a letter again from the General Counsel which in effect said "no."

Shortly thereafter, John Gronouski was appointed Postmaster General to succeed Mr. Day. So on November 1, 1963, I wrote the new Postmaster General setting out my position on this matter and enclosing a copy of my floor statement as well as my correspondence with his predecessor. I told Postmaster General Gronouski that if the Department did not take action, I would introduce legislation. For the first time, I received an immediate response and this time from the Postmaster General himself. He understandably stated that he was not yet familiar with the matter of "mail covers." But he stated he would take the matter up with the General Counsel and be in touch with me again. Almost three months have passed without word from the Postmaster General.

However, I feel I received my answer in the press last week. News stories covering a pretrial hearing in the Roy Cohn case showed not only that "mail covers" are still being used but show complete irresponsibility in their use. Mr. Cohn and his attorney, Thomas Bolan, had asked the Federal District Court in New York to dismiss an indictment against Mr. Cohn because of the use of "mail covers."

The story revealed in the hearing began on March 24, 1963. At the request of the Internal Revenue Service, a mail cover was placed on the law office of Roy Cohn and Mr. Bolan who in addition to being Cohn's attorney is his law associate. At the same time, covers were also placed on the residences of both men. In fact, the cover placed on Mr. Bolan's residence included the mail of his wife. Due to the volume of mail received, the cover on the law office was discontinued after a month but the covers on the two residences continued.

Subsequently, Mr. Cohn was indicted on the perjury and conspiracy charge which led to the pretrial hearing of last week. In September, after the indictment, the Assistant U. S. Attorney in charge of the case ordered "mail covers" placed on the residences of Cohn and Bolan and also on their office. He told the court he had information that they were improperly trying to influence government witnesses. The office cover was reinstated but apparently it again proved too burdensome for it was discontinued later in the fall. On the other hand, the residence covers were continued until February 14, 1964, when the defense filed its motion to dismiss the indictment. These two covers had been in operation from March 24, 1963 to February 14, 1964.

To support its motion, the defense had a copy of the Post Office order dated March 24, 1963, which directed the establishment of the cover on Bolan's residence. The Assistant U. S. Attorney who had ordered the "mail covers" in September filed a sworn statement with the Court prior to the hearing saying the U. S. Attorney's office had nothing to do with the mail cover established by the March order. However, during the hearing, he admitted ordering covers in September.

Mr. President, this is a sad commentary on the administration of justice and on all federal agencies involved. The District Court described the situation as

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"shocking." Something must be done to prevent such flagrant intrusions on privacy and the attorney-client relationship. After two years my patience has come to an end. In view of these recent developments, I have decided there is only one way to stop the use of this police state technique. That is, to enact legislation. I have prepared a bill which would prohibit all mail covers. Consideration has been given to a court order procedure, but I am convinced that as in the case of all other surreptitious surveillance techniques such a procedure would not provide any real control or safeguards. The current wiretap situation shows clearly that even an absolute ban is not too effective in preventing the use of such practices. However, I believe the Congress should place itself four square against the use of "mail covers." The Congress can no longer acquiesce in the Post Office Regulation which authorizes "mail covers" on the request of every law enforcement officer in the nation be he local, state or federal.

Therefore, Mr. President, I introduce for appropriate reference a bill to prohibit the use of mail covers. Also, Mr. President, I ask unanimous consent to insert at this point in the Record my statement on August 3, 1962, subsequent correspondence between myself and the Postmaster General, an editorial from the Washington Post relative to this matter, and an article written by William S. White which recently appeared in the Washington Evening Star.

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